

Brent Plater (CA Bar No. 209555)
WILD EQUITY INSTITUTE
PO Box 191695
San Francisco, CA 94119
Telephone: (415) 349-5787
bplater@wildequity.org

Eric R. Glitzenstein (D.C. Bar No. 358287)
Howard M. Crystal (D.C. Bar No. 446189)
Pro Hac Vice
Meyer Glitzenstein & CRYSTAL
1601 Connecticut Ave., N.W., Suite 700
Washington, D.C., 20009
Telephone: (202) 588-5206
Facsimile: (202) 588-5049
eric@meyerglitz.com
hcrystal@meyerglitz.com

Attorneys for Plaintiff

MELINDA HAAG (CSBN 132612)
United States Attorney
JOANN M. SWANSON (CSBN 88143)
Chief, Civil Division
ANN MARIE REDING (CSBN 226864)
Assistant United States Attorney

450 Golden Gate Avenue, Box 36055
San Francisco, California 94102-3495
Telephone: (415) 436-6813
FAX: (415) 436-6748
annie.reding@usdoj.gov

Attorneys for Defendants

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

A.F. ROTHSCHILD FUND,

Plaintiff,

v.

DEPARTMENT OF HEALTH AND
HUMAN SERVICES; AND CENTERS
FOR DISEASE CONTROL AND
PREVENTION,

Defendants

No. CV 11-2760 LB

**STIPULATION AND ~~PROPOSED~~
ORDER REGARDING COMPLETION
OF THE ADMINISTRATIVE APPEAL
PROCESS**

1 Defendants Department of Health and Human Services and Centers for Disease Control
2 and Prevention (“Defendants”) and Plaintiff A.F. Rothschild Fund (“Plaintiff”), by and through
3 their respective counsel, stipulate as follows:

4 1. On October 13, 2011, Plaintiffs submitted an administrative appeal regarding
5 certain of the materials at issue in this case;

6 2. Defendants are still processing Plaintiff’s administrative appeal. This includes a
7 line-by-line review of 744 pages of records withheld, or withheld in part, from the September 13,
8 2011 and September 22, 2011 releases by the CDC. In addition, although Defendants contend
9 that Plaintiff’s appeal of October 8, 2010 as to the adequacy of the search was untimely (a
10 position that Plaintiff disputes and also believes is immaterial in light of the October 13, 2011
11 appeal), Defendants are reviewing the adequacy of the search at the administrative level in an
12 effort to resolve this action. The agency is also working with the submitter, Auburn University,
13 regarding documents the submitter believes should be withheld.

14 3. The parties have agreed that Defendants will complete the administrative appeal
15 process and respond to the items raised in Plaintiff’s appeal by March 1, 2012.

16 4. The parties have further agreed that by March 1, 2012, Defendants will inform
17 Plaintiff regarding the completion of the appeal process and Defendant will also release to
18 Plaintiff any additional documents, if applicable. Defendants will also report to Plaintiff on the
19 adequacy of the search for responsive materials, including materials searched and whether the
20 particular categories identified by Plaintiff have or have not been located.

21 THEREFORE, IT IS HEREBY STIPULATED by and between Plaintiff and Defendants
22 that Defendants will complete the administrative appeal process by March 1, 2012 in the manner
23 set forth in this stipulation.

24 ///

25 ///

26 ///

27 ///

28 ///

1 DATED: January 6, 2012

Respectfully submitted,
MELINDA HAAG
United States Attorney

3 _____
4 /s/ Ann Marie Reding
5 ANN MARIE REDING
6 Assistant United States Attorney
7 Attorneys for Defendants

8 DATED: January 6, 2012

Respectfully submitted,

9 _____
10 /s/ Eric R. Glitzenstein
11 Howard M. Crystal (D.C. Bar No. 446189)
12 Eric R. Glitzenstein (D.C. Bar No. 358287)
13 Pro Hac Vice
14 MEYER GLITZENSTEIN & CRYSTAL
15 1601 Connecticut Ave., N.W., Suite 700
16 Washington, D.C., 20009
17 Telephone: (202) 588-5206
18 Facsimile: (202) 588-5049
19 hcrystal@meyerglitz.com

20 **PROPOSED ORDER**

21 Plaintiff and Defendants' Stipulation Regarding Completion of the Administrative
22 Appeal Process is hereby APPROVED and the parties are hereby Ordered to comply with the
23 Stipulation.

24 Date: January 11, 2012

